

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.191 OF 2014

IN

WRIT PETITION NO.2758 OF 2012 [D]

[Satish Bhagwanrao Pande .vs. Mr. Ram Pawar and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.A. Gode, counsel for the petitioner,
Mrs. K.R. Deshpande, AGP for respondent no.1.

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JUNE 20, 2016.

By this contempt petition, the petitioner has sought action against the respondents for willful disobedience of the order dated 10.10.2013, in Writ Petition No.2758 of 2012.

It is the case of the petitioner that though this court had directed the respondents to consider the petitioner to be in continuous service from 1.10.1987 for the fixation of pay and grant of pensionary benefits, the respondents had not fixed the pay of the petitioner. It is stated that certain money is due and payable by the respondent nos.2 and 3, also.

Mrs. Deshpande, the learned Assistant Government Pleader appearing on behalf of the respondent no.1 states, on the basis of the affidavit-in-reply filed on behalf of the respondent no.1, that the pay fixation has been done and the amount of gratuity, arrears of the pay fixation and the arrears of pension are paid to the petitioner.

Shri Gode, the learned counsel for the petitioner states that the pay fixation has not been rightly made. It is stated that the respondent nos.2 and 3 have not paid certain salary that is

due and payable to the petitioner.

There is no reason to proceed with the contempt petition any longer. The only direction issued by this court against the respondent no.1, was to fix the pay of the petitioner by considering his service to be in continuous with effect from 1.10.1987. The pay of the petitioner is fixed by considering the said date. The arrears of pension, arrears due to fixation of pay-scale and gratuity are paid to the petitioner by the respondent no.1. If the petitioner is aggrieved by the manner of fixation of his pay-scale, the petitioner has other remedies. The said aspect cannot, however, be a matter of contempt. In the order of which the contempt is alleged, we do not find any direction against the respondent nos.2 and 3 to pay the unpaid salary to the petitioner.

Hence, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE